

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PINNACLE PACKAGING COMPANY, )  
INC., an Oklahoma corporation, )  
POLO ROAD LEASING, LLC, an Okla- )  
homa limited liability company, and )  
J. SCOTT DICKMAN, )

Plaintiffs, )

vs. )

Case No. 12-CV-537-JED-TLW

CONSTANTIA FLEXIBLES GmbH, an )  
Austrian corporation, and )  
ONE EQUITY PARTNERS (EUROPE) GmbH, )

Defendants. )

**UNOPPOSED MOTION TO REVISE MINUTE ORDER OF MAGISTRATE WILSON  
ON MOTION TO COMPEL PRODUCTION**

Plaintiffs, Pinnacle Packing Company, Inc and Polo Road Leasing, LLC and Scott Dickman, move to revise the Minute Order by Judge T. Lane Wilson entered on September 15, 2015 (the “Minute Order”) [DKT.151] to change the Plaintiffs response date from the revised date of September 21, 2015, to the original response date of October 2, 2015, and to revise the ordered hearing date of September 24, 2015 to an appropriate date after the response is filed.

In support of this Motion, Plaintiffs show the court:

1. Defendants do not oppose the relief sought in this Motion.
2. The Motion to Compel that is the subject of the Minute Order is premised upon the Response of Plaintiffs to Constantia Flexibles GmbH’s and One Equity Partners (Europe) GmbH’s First Request for Production of Documents (the “Response”). The Response was served on the Defendants on May 5, 2015. Four months later, the Defendant’s filed their Motion to Compel. This delay shows that an accelerated schedule is not required.

3. The revised schedule implemented by the Minute Order conflicts with dates established by this Court, and other scheduled court or other dates of Plaintiffs' counsel as follows:

Minute Order

September 21, 2015

(revised date set for response on Motion to Compel)

Conflicting Dates with Plaintiffs Counsel

September 21, 2015

(Date set by this Court for Plaintiffs to file their reply on Plaintiffs Motion to Apply Crime Fraud Exception [DKT 150])

September 22, 2015

Plaintiffs' counsel to attend mediation in Dallas, Texas in *Steve Allen v Meetme*, Case No. 15-cv-210-GKF-TLW, in the United States District Court for the Northern District of Oklahoma

September 23, 2015

Plaintiffs counsel to fly to New York City to attend scheduled hearing in *KCG Holdings, Inc., v Bryan Hendershot*, Case No.15-cv-3792, in the United States District Court for the Southern District of New York

September 24, 2015

(revised date for hearing on Motion to Compel)

September 24, 2015

Plaintiffs counsel to attend scheduled hearing in *KCG Holdings, Inc., v Bryan Hendershot*, Case No. 15-cv-3792, in the United States District Court for the Southern District of New York

September 25, 2015

Deposition first noticed on July 22, 2015 for deposition by Plaintiffs of One Equity Partners LLC., in New York, New York

Plaintiffs' counsel returns from New York, New York to Tulsa

The above conflicts show the inability of Plaintiffs to comply with the Minute Order because of scheduled court activities in Dallas, Texas and New York, New York.

4. To date, Plaintiffs' counsel has been unable to devote any time to preparing a response to the Motion to Compel because of work on the reply brief on the Motion to Apply the Crime Fraud Exception. Plaintiffs' counsel cannot commence work on the response until September 28, 2015, and respectfully requests that the original response date on the Motion to Compel of October 2, 2015, be restored.

5. The revised date set for a hearing of September 24, 2012 directly conflicts with a long-scheduled hearing in the United States District Court for the Southern District of New York in which Plaintiffs' counsel is lead counsel for the defendant. Plaintiffs respectfully request the revised date be rescheduled.

WHEREFORE, Plaintiff respectfully request their Motion be granted and that they be given other just and appropriate relief.

s/Laurence L. Pinkerton  
Laurence L. Pinkerton, Esq. (OBA #7168)  
PINKERTON LAW, P.C.  
Penthouse Suite  
15 East 5th Street  
Tulsa, Oklahoma 74103-4303  
(918) 587-1800  
(918) 582-2900 - fax  
[pf@att.net](mailto:pf@att.net)  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2015, I electronically transmitted the foregoing pleading, to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

John D. Russell, Esq.  
GABLEGOTWALS  
1100 ONEOK Plaza  
100 West Fifth Street  
Tulsa, Oklahoma 74103-4217

Cheryl Howard, Esq.  
Gabrielle Gould, Esq.  
Aaron Lang, Esq.  
Marshall Fishman, Esq.  
FRESHFIELDS BRUCKHAUS DERINGER US LLP  
601 Lexington Ave., 31st Floor  
New York, NY 10022

Laurence L. Pinkerton